IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V. RAMULU

WRIT PETITION NO: 491 of 2005

Between:

1 Thota Anil, S/o. Kedari,
R/o. 2-9-1210/1,Waddepally Village, Hanamkonda Mandal,

Warangal District.
2 Thota Sunil Kumar, S/o. Kedari,
R/o. 2-9-1210/1, Waddepally Village, Hanmakonda Mandal,
Warangal District.

... PETITIONERS

AND

1 The Vice Chairman & Managing Director, Kakatiya Urban

Development Authority, Hanmkonda, Warangal.
2 The District Collector, Warangal, Warangal District.
3 Sri. V. Raji Reddy, S/o. Venkatram Narasimha Reddy,
R/o. H.No.2-8-593, Bhavani Nagar, Hanmkonda, Warangal

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, Order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents in seeking to lay a road across the land covered under survey No.828 to the extent of 16 Guntas situated at Waddepally Village, Hanamkonda Mandal, Warangal District belonging to the petitioners without initiating proceedings under land acquisition Act and without paying compensation as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioners: MR.A.PRABHAKAR RAO

Counsel for the Respondent No.1: MR.C.NARENDER

Counsel for the Respondent No.2: G.P. for Revenue

Counsel for the Respondent No.3: ---

The Court, at the admission stage, made the following:

ORDER:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents, in seeking to lay a road across the land covered under Survey No.828 to the extent of Ac.0.16 guntas situated at Waddepally Village, Hanamkonda Mandal, Warangal District belonging to the petitioners without initiating proceedings under the Land Acquisition Act and without paying compensation, as illegal and arbitrary.

2. The case of the petitioners is that they are the owners of the land covered by Sy.No.828 to the extent of Ac.0.16 guntas and covered by Sy.No.830 to the extent of Ac.11.2 guntas, situated at Waddepally Village, Hanamkonda Mandal, Warangal District. They are all agricultural lands and the petitioners are in occupation and enjoyment of the same. While so, recently, the staff of the first respondent informed the petitioners that they are laying a road for the convenience of the public and the road is proposed to be laid as per the decision of the Kakatiya Urban Development Authority (KUDA). It is the case of the petitioners that; may be the lands are required for laying or developing the roads in the town, but no procedure known to law has been followed before laying the road. It is further the case of the petitioners that the respondents have inspected the lands, conducted survey and marked the lands for the purpose of laying road / developing the roads. The petitioners were not issued any notice for the purpose of acquiring their lands for laying road / developing the said lands; this highhanded action on the part of the respondents is liable to be deprecated.

3 . Mr. C. Narender, learned counsel appearing for the first respondent, KUDA, Hanamkonda, Warangal District, states that the third respondent herein, who is a private party, requested the first respondent – authority to lay a road by occupying the lands of the petitioners and therefore, they have conducted survey and marked the said lands for the purpose of laying road / development. It is not the case of the first respondent that any procedure was followed for the purpose of acquiring the lands or the petitioners were called for negotiation for fixing compensation, etc.

4. Under those circumstances, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioners and not to lay any road, unless and until proper procedure is followed either by way of negotiation or the lands are acquired by invoking the provisions of the Land Acquisition Act, 1897.

The writ petition is accordingly disposed of at the admission stage.

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C.V. RAMULU, J

February 2, 2005

Note: *Furnish copy in three days*

(B/o)

MRR

Copy to:

1 The Vice Chairman & Managing Director, Kakatiya Urban

Development Authority, Hanmkonda, Warangal.
2 The District Collector, Warangal, Warangal District.
3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

4 Two C.D. Copies.